

Regular Council Meeting

December 1, 2009 at 6 p.m.

Members Present:

Bobby E. Horton, Mayor
Tommy G. Parler, Mayor Pro-Tem
Eric L. Fowler
L. Dale Harley
Jack L. Harmon
Boyd J. Jones
Marsha J. Moore
Cathy Shannon
B.J. Unthank

Members Absent:

None

Others Present:

Jenny Cunningham, City Administrator
Myron Corley, Deputy City Administrator
Mardi McKinnon, City Clerk
Sid Varn, Planning & Engineering Director
Brian Carter, Planning and Zoning Director
Donna Smith, Economic Development Director
Members of the Public and Press

Rick Hodge, City Treasurer
Ken Ebener, Municipal Judge
Wyatt Coleman, Fire Chief
John Cauthen, Building Official
Stuart Jones, Building Inspector
Nikki Setzler, City Attorney

Agenda Item I – Call to Order

Mayor Horton called the meeting to order at 6 p.m. and noted a quorum was present. *The State, Free Times, Lexington County Chronicle, Cayce-West Columbia News, and The Columbia Star* were notified of the public hearing by e-mail on November 30, 2009.

Agenda Item II – Invocation and Pledge of Allegiance

Council Member Moore gave the invocation followed by the Pledge of Allegiance.

Agenda Item III – Requests for Appearance

Mayor Horton stated there were no requests for appearance before Council.

Agenda Item IV – Announcements by Mayor

- A. Mayor Horton announced that the West Columbia Beautification Foundation would celebrate Arbor Day with a tree planting at Reeves Park on December 4, 2009 at 10 a.m.

Mayor Horton announced the Annual Tree Lighting would be held on Friday, December 4, 2009 at 6 p.m. He stated the West Metro Christmas Parade would be held on Sunday, December 6, 2009 at 5:30 p.m.

Mayor Horton announced that the council work session on December 21 was cancelled. He also announced there would be no meetings for the Planning Commission, Zoning Board of Appeals, or Mayor's Round Table for December 2009.

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Agenda Item V – Election of Mayor Pro-Tempore

Mayor Horton asked for nominations for mayor pro-tempore. Mayor Pro-Tem Parler nominated Council Member Jack Harmon. Council Member Harley made a motion to close the nominations and Council Member Moore seconded. The motion passed unanimously. Mayor Horton asked Council to elect Council Member Harmon as mayor pro-tem by acclamation and all council members stated yea. Mayor Pro-Tem Harmon was elected to a two-year term ending December 2011.

Agenda Item VI – Approval of Minutes

- A. Mayor Horton entertained a motion to approve minutes for the regular council meeting held November 10, 2009. Council Member Parler so moved and Council Member Fowler seconded. The motion passed unanimously.

Agenda Item VII – Old Business

- A. Mayor Horton asked Council to delay the second reading consideration of an ordinance to add Title 9, Chapter 7, “Fireworks,” to the “Offenses” ordinances of the West Columbia City Code, which prohibits discharging fireworks in residential areas of the city, until the city attorney could discuss the compliance of the proposed ordinance with state law with Council in executive session. Council agreed to delay second reading until after the executive session.
- B. Mayor Horton entertained a motion for second reading consideration of the Planning Commission’s recommendation to establish the zoning classification for recently annexed properties described as the contiguous property known as Quail Hollow Village Subdivision, (a portion of TMS 003642) bounded by the Saluda River, Quail Hollow Subdivision, and Gates of Quail Hollow Subdivision, as R-3 (low density residential). Council Member Unthank so moved and Council Member Fowler seconded. The motion passed unanimously.
- C. Mayor Horton entertained a motion for second reading consideration of the Planning Commission’s recommendation to establish the zoning classification for recently annexed property located at 1916 Crapps Avenue (TMS # 004636-01-003) as R-3 (low density residential). Council Member Fowler so moved and Mayor Pro-Tem Harmon seconded. The motion passed unanimously.

Agenda Item VIII – New Business

- A. Mayor Horton entertained a motion for consideration of a resolution to approve the execution of a quit claim deed to Loftis Properties, LLC for 0.063 acres of highway right-of-way on Leaphart Street (portion of TMS# 004644-03-002) located by Northside Baptist Church. Council Member Fowler so moved and Council Member Parler seconded. The motion passed unanimously.
- B. Mayor Horton entertained a motion for consideration of a resolution stating opposition to H3272, the “Point of Sale Bill” currently being considered in the SC State Senate. Council Member Harley so moved and Council Member Shannon seconded. The motion passed unanimously. Mayor Horton stated that in 2006, Act 388 was passed to cap rising real estate taxes which prevents on real property from being assessed at true market value. He said the Tax Realignment Commission will make a recommendation to the state legislature in March 2010, but the state senate will take up H3272 in January. He said the resolution opposes passage of H3272 before the Tax Realignment Commission can make its recommendation.

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Agenda Item VIII – New Business (continued)

- C. Mayor Horton entertained a motion for consideration of an amended Intergovernmental agreement between the City of West Columbia and Lexington County outlining the implementation of the Stormwater Management Program (SWMP) of the NPDES MS4 General Permit. Council Member Harley so moved and Council Member Fowler seconded. The motion passed unanimously. Mayor Horton stated that the amendment changed Item 11 in the agreement. He said Lexington County Council agreed to the change which requires the County to notify the city if it cannot carry forth the requirements of the agreement so that the city would be able to find other ways to meet the requirements to comply with NPDES regulations.
- D. Mayor Horton entertained a motion for consideration of budget amendments for Fiscal Year 2007-2008. Council Member Harley so moved and Council Member Shannon seconded. Mayor Horton recognized City Treasurer Rick Hodge who explained that the budget amendments mostly deal with grant funds received by the city during the fiscal year, but not included in the original budget. He commended department heads on their hard work to manage the departmental budgets. He said the city's fund balance increased by \$770,000 this year. Mayor Horton called for a vote and the motion passed unanimously.
- E. Mayor Horton entertained a motion to reappoint City Clerk Marta Valentino McKinnon, CMC, for a term of two years. Council Member Fowler so moved and Council Member Parler seconded. The motion passed unanimously.
- F. Mayor Horton entertained a motion to reappoint City Treasurer Richard K. Hodge, CPA, for a term of two years. Council Member Fowler so moved and Council member Moore seconded. The motion passed unanimously.
- G. Mayor Horton entertained a motion to appoint Municipal Judge Kenneth W. Ebener, Esquire, for a term of two years. Council Member Fowler so moved and Council Member Unthank seconded. The motion passed unanimously.
- H. Mayor Horton entertained a motion to reappoint City Attorney Nikki G. Setzler, Esquire, for a term of two years. Mayor Pro-Tem Harmon so moved and Council Member Parler seconded. The motion passed unanimously.
- I. Mayor Horton asked Council to add an item to the agenda and they agreed. Mayor Horton entertained a motion to consider a resolution to amend the water sale and purchase agreement with the Joint Municipal Water and Sewer Commission for the Joint Commission to purchase one million gallons daily (1MGD) capacity in the Lake Murray Water Treatment Plant for the cost of \$2,330,000. Council Member Harley so moved and Council Member Moore seconded. The motion passed unanimously. Council Member Harley stated that the city should receive a check from the Joint Commission within seven to ten days.

Agenda Item IX – Adjourn to Executive Session to Discuss a Legal Matter

Mayor Horton entertained a motion to adjourn to executive session. Council Member Jones so moved and Council Member Parler seconded. The motion passed unanimously. Council adjourned at 6:22 p.m.

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Agenda Item X – Reconvene to Regular Session

Mayor Horton entertained a motion to adjourn to executive session and reconvene to regular session. Council Member Moore so moved and Council Member Harley seconded. The motion passed unanimously. Council reconvened at 7:20 p.m. Mayor Horton stated that no action was taken in executive session.

Agenda Item XI – Adjourn

Mayor Horton stated that Council had been advised by the city attorney to delay taking the second reading on the ordinance to prohibit the discharge of fireworks in residential areas until further research could be done to ensure the ordinance did not conflict with state law. Council agreed to carry the item over to a future meeting in order to obtain an opinion from the state attorney general on whether or not the city can regulate the discharge of fireworks within the city limits.

Mayor Horton entertained a motion to adjourn. Council Member Harley so moved and Council Member Fowler seconded. The motion passed unanimously. Council adjourned at 7:23 p.m.

Respectfully submitted,

Marta Valentino McKinnon, CMC
City Clerk